



Ninety-Eighth Legislature - First Session - 2003
Introducer's Statement of Intent
LB 228

Chairperson: DiAnna R. Schimek
Committee: Government, Military and Veterans Affairs
Date of Hearing: February 5, 2003

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill outlines a program, through the Secretary of State's office, which allows victims of abuse to use a substitute mailing address with local and state agencies. The purpose of the program is to increase victim safety and to prevent abusers from easily tracking and finding their victims.

Section 1: The Act is cited as the Address Confidentiality Act.

Section 2: It states the legislative purpose of the Act: Persons attempting to escape from abuse frequently need to establish new addresses in order to prevent their abusers from finding them. This Act enables state and local agencies to respond to requests for public records without disclosing the location of the victim.

Section 3: Defines abuse, address, dating relationship, program participant, sexual assault, and stalking.

Section 4: An adult, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the program. The Secretary of State will approve an application if it is filed in the matter and on the form prescribed. The application will contain:

- a. A sworn statement by the applicant that there is good reason to believe i) the applicant, minor or incapacitated person is a victim of abuse, sexual assault or stalking and ii) the applicant fears for his or her safety, children's safety, safety of minor or incapacitated person;
- b. A designation of the Secretary of State as agent for service of process and receipt of mail;
- c. The mailing address and phone number where the applicant can be located;
- d. The addresses the applicant requests not be disclosed for reason that disclosure will increase the risk of domestic violence, sexual assault or stalking;
- e. The signature of the applicant and of individual who assisted in the preparation of application.

Upon a properly completed application, the Secretary of State shall certify the applicant for four years unless the certification is withdrawn or invalidated. The Secretary of State will establish a

renewal procedure. A person who provides false information on the application will be criminally punished.

Section 5: If the participant obtains a name change, the certification is forfeited unless the program participant applied for recertification and provides documentation of the legal name change. The Secretary of State may cancel a program participant if:

1. There is a change in residential address, unless participant provides the Secretary of State with notice of change at least seven working days before the effective date of the change;
2. If the participant's mail is returned as undeliverable; or
3. If the participant provides false information.

Section 6: A program participant may request state and local agencies use the address designated by the Secretary of State. When creating a new public record, a state or local agency which has a bona fide reason may request that the participant verbally provide the agency with a residence address if the agency has the capability to use such address without permanently entering it into the agency's records. If the agency does not have the capability, it shall accept the address designated by the Secretary of State unless:

- a. the agency has a statutory, tax situs, or administrative requirement for the use of the address; and
- b. The address would be used only for such statutory, tax situs or administrative requirement.

The Secretary of State will forward all first class mail to each participant's substitute address.

Section 7: The participant may apply for an absentee ballot. The county clerk or election commissioner will send the ballot to designated address. Neither the name or address of participant shall be included in any list of voters available to public except if requested by law enforcement agency or directed by court order. Sec 32-331, which deals with confidential voting registration records, is amended to include participants of this program.

Section 8: The Secretary of State will not make the participant's file available except for the following circumstances:

1. If requested by the chief commanding officer of a law enforcement agency;
2. If directed by a court order; or
3. To verify the participation of a specific program participant, the Secretary of State may only confirm or deny information supplied by the requester.

Section 9: The Secretary of State shall designate state, local and nonprofit agencies to provide counseling and shelter services to victims of domestic violence, sexual assault or stalking to assist persons applying to the program. Any assistance should not be considered legal advice.

Section 10: The Secretary of State may adopt rules and regulations to carry out this Act.

Section 11: The bill amends section 32-331 to incorporate the participants of the address confidentiality program.

Sections 12, 13 and 14: The bill amends several sections of the Motor Vehicle Operators' Licenses Act. The participant is not required to disclose place of residence to the Department of Motor Vehicles when applying for licenses or state identification cards.

Section 15: The Secretary of State Administration Cash Fund will be used to administer the Address Confidentiality Act.

Principal Introducer:

DiAnna R. Schimek, Chairperson
Committee on Government, Military and Veterans Affairs